

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIAN CUMMINGS,)
Plaintiff,)
v.) Case No. 3:22-cv-00301
BRETTON KEEFER, on behalf of the) Chief Judge Waverly D. Crenshaw, Jr.
deceased CHESTA SHOEMAKER,) Magistrate Judge Alistair E. Newbern
AFSOON HAGH, and)
JEANNE BURTON, Trustee on behalf)
of CUMMINGS MANOOKIAN, PLC,)
Defendants.)

**MOTION FOR ENTRY OF DEFAULT
AGAINST DEFENDANT BRETTON KEEFER**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Brian Cummings respectfully requests that the Clerk enter a default against Defendant Bretton Keefer. As grounds for this Motion, Plaintiff states as follows:

1. On March 22, 2022, Plaintiff filed this action in the Circuit Court for Davidson County, Tennessee. (Doc. No. 1, PageID# 4-14.)
2. On March 29, 2022, Plaintiff filed an Amended Complaint in the Circuit Court for Davidson County, Tennessee. (Doc. No. 1, PageID# 20-32.)
3. On April 26, 2022, Defendant Jeanne Burton, Chapter 7 Trustee for Cummings Manookian, PLC removed Plaintiff's action to this Court. (Doc. No. 1.)
4. This Court entered two Orders granting Plaintiff's requests to extend the time in which to serve Defendant Keefer, ultimately extending the date to November 28, 2022. (Doc. No. 20; Doc. No. 35, PageID# 163.)

5. Defendant Keefer was personally served with a copy of the Summons and Amended Complaint on November 1, 2022, and proof of service was filed with this Court on November 4, 2022. (Doc. No. 41.)

6. More than 21 days have passed since Defendant Keefer was served with the Summons and Amended Complaint; however, Defendant Keefer has not filed a responsive pleading.

For these reasons, Plaintiff asks the Clerk to enter a default against Defendant Keefer in this matter. Plaintiff is filing herewith the unsworn declaration required by L.R. 55.01 in support of this Motion.

Respectfully Submitted,

COUNTERPOINT LEGAL, PLC

By: /s/ Elizabeth S. Tipping
Elizabeth S. Tipping, No. 023066
Kristen M. Shields, No. 036438

2689 Union Hill Road
Joelton, TN 37080
(615) 426-5566
liz@counterpointlaw.com
kristen@counterpointlaw.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on this the 10th day of February, 2023, via the Court's electronic filing system on the following:

Phillip G. Young, Jr.
Thompson Burton PLLC
1801 West End Avenue, Suite 1550
Nashville, TN 37203
phillip@thompsonburton.com

and via United States First Class mail, postage prepaid on the following:

Bretton Keefer
5554 Pumpkintown Lane
Lafayette, TN 37083

Afsoon Hagh
Hagh Law PLC
226 Pelham Drive
Brentwood, TN 37027-4237

/s/ Elizabeth S. Tipping